



HS9	Healthy and Safe Services	Guardians and Administrators Policy
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What this policy aims to do	To provide information which will assist with understanding guardianship and the process of applying for guardianship
Who this policy applies to	Staff working with clients who have impaired decision-making and may require or already have a guardian or administrator appointed
Who is responsible for carrying out this policy	The CEO or responsible managers and service delivery staff
What words used in this policy mean	<p>A <i>'guardian'</i> is a person appointed to make decisions on behalf of an adult with a disability when he or she is unable to do so. The guardian's decisions have the same legal force as if the person made the decision themselves.</p> <p>An <i>'administrator'</i> is a person who is nominated to make financial and legal decisions for an adult who does not have the capacity to make decisions for themselves</p> <p>A <i>'person responsible'</i> is a person who can make medical or dental treatment decisions on behalf of a client, where they may be temporarily or permanently unable to consent to medical or dental treatment.</p>
Legislation this policy is based on	<p>National Disability Service Standards</p> <p>Victorian Human Services Standards</p> <p>Victorian Guardianship and Administration Act 1986</p> <p>Victorian Civil and Administrative Tribunal (VCAT)</p> <p>NDIS Practice Standards Nov 2021, Core Module</p>
Other relevant policies	A1 Rights and Responsibilities

HS12 Client Incident Reporting

Version	Date	Author/Editor	Approved by	Notes
1.0	26/8/2016	Peter Lane		
1.1	31/5/2018	D Stephenson		Update format
1.2	17/4/19	D Stephenson		Minor edit
1.3	17/6/2020	D Stephenson	S. Reeves	Annual Review, no change
1.4	18/2/2021	D Stephenson		Added reference to NDIS Practice Standards.
1.5	2/2/2022	T de Vries	S Reeves	

Guardians and Administrators Policy

MASS supports the rights of all adults, including those with disability, to have the right to make their own decisions, and to receive the support they need to make a decision.

Guardianship and administration are a last resort, if there is no less restrictive alternative to protect and promote the human rights of an adult with disability.

If a client does not have capacity to make their own decisions and there are no less restrictive alternatives, MASS supports the rights of clients to have a guardian or administrator. Guardianship is the appointment of a person to make decisions on behalf of an adult with a disability when he or she is unable to do so. This usually only occurs when there is no other appropriate person to assist with making decisions or there is disagreement about what is in the best interest of the person.

Parents are legal guardians of a person who is under 18 years of age unless there is a legal order that specifies otherwise.

VCAT is the body that determines whether or not an adult has impaired decision-making capacity and, if necessary, will make an order to appoint a guardian and/or an administrator.

MASS Role

MASS will support people and their families who enquire about guardianship to be well informed about the matter by procuring relevant publications and application forms.

MASS will respect the right of a client to request changing their guardian at any time. MASS will assist clients to apply for the appointment of a new guardian where this is requested.

MASS staff must not, under any circumstance, act as a 'person responsible' for people to whom they provide support.